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# Remarrying Congress and the C.I.A.

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*A* WASHINGTON — Next Tuesday, Robert M. Gates will appear for his confirmation hearing as Director of Central Intelligence. He will surely be confirmed, as surely he ought. But his appearance could accomplish more than that. It could reconstitute a relationship between the intelligence community and Congress that was building beautifully until it came apart this winter. And it could be the beginning of the larger process of reconciliation we must now get on with.

Let me first argue that the establishment of the House and Senate intelligence committees was the best thing that ever happened to the agency and its work mates, the National Security Agency and the Defense Intelligence Agency. For an activity in the executive branch to flourish, it needs a pair of Congressional committees to look after its budget and its interests generally. (That it took something called the intelligence community three decades to figure this out is just the least bit alarming, but then ...)

The committees were set up in 1976. A long slide in intelligence capacity slowed, stopped, turned around; within 10 years, beginning under President Jimmy Carter and continuing under President Reagan, the intelligence budget tripled.

Nor did secrets spill out. As Mr. Gates himself has written, the C.I.A. was created "in part to insure that intelligence assessments would be prepared by people with no stake in approval of weapons programs, defense budgets or particular policies." In time it commenced covert operations, mostly for "collection" purposes, but also, on occasion to advance particular policies. Enough of these had gone awry that Congress stipulated that the two committees be apprised in advance of any "significant" ones. But these operations remained secret save when, as in the case of Iran, adversaries made them known.

I joined the Senate committee in its second year and served an eight year term, the last four as vice chairman. By this time, the practice had evolved of briefing only the chairman (in this case Barry Goldwater) and the vice chairman about particularly sensitive activities. As time passed, it seemed to me we were getting more briefings than necessary — the career officers seemed more than eager to brief — but Mr. Goldwater was patient, and as his second in command I understood my place and listened.

Then in January 1984, the agency, with Presidential approval, mined Nicaraguan harbors and did not tell us. This emerged in April of that year. Senator Goldwater was wild. On April 9, he sent a public letter to William J. Casey, the Director of Central Intelligence, complete with an (expletive deleted) in the text as reproduced in The New York Times. Bill, he wrote, "This is an act violating international law. It is an act of war. For the life of me, I don't see how we are going to explain it." Worse, not knowing the facts, Mr. Goldwater had misled the Senate the previous week in a debate on the budget. Hurt as much as outraged, he took off for Asia.

On April 12, Robert C. McFarlane, the President's assistant for National Security Affairs, told a conference at the Naval Academy that, contrary to Mr. Goldwater's statement, "every important detail" of the secret warfare in Nicaragua was "shared in full by the proper Congressional oversight committees." In other words, Mr. Goldwater was a liar. As vice chairman, I did the only thing I could think to do. I said I would resign in protest.

On April 25, Mr. Casey sent a handsome, handwritten apology note to Mr. Goldwater, and the next day apologized in person to the full committee. I said I would stay.

Honor satisfied, we then asked ourselves the larger question. The arrangements that had seemed to be working well had failed. Why? Was it that the statute requiring that the committees be apprised of "signifi-

cant" operations did not sufficiently define "significant?" Especially regarding a new development in an ongoing operation? Very well, define it.

On June 6, therefore, Mr. Casey, with the approval of the President, signed an agreement, which Mr. Goldwater and I signed as well, setting forth "improved oversight procedures." The essence was that any activity receiving Presidential approval would be reported in advance to the committee. In short, if you see the President's initials, don't think: report.

Then, a little over a year later, the exact same principals initiated the Iranian venture, breaking their explicit agreement to inform the Committee of Presidential authorization.

Now. What say that Mr. Gates, at his confirmation hearing, be asked to reconfirm the "Casey accords" (as they have come to be known); that he state that, for his part, he would resign rather than break them, for to do so would be equally a disservice to the President and the community. (The statute gives the President an out in emergencies. No one disputes that. But neither of these episodes was anything such.)

Mr. Gates, a career civilian officer from the analytic side, will want to keep the accords. If one thing has evolved, it is that career intelligence officers have learned to work with Congress and want to do so. And more than anything else, that is what the Presidency needs: a career intelligence service out of politics and very much into analysis. □

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